

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WRI INVESTMENTS III LLC,
a Washington limited liability company,

Plaintiff,

v.

JEFFREY PELOCK, an individual,

Defendant,

and

MIDWEST COMMERCIAL HOLDINGS LLC,

Garnishee.

Case No. 08 CV 4913

Judge Castillo

Magistrate Judge Valdez

**MOTION FOR CONDITIONAL JUDGMENT AGAINST GARNISHEE
MIDWEST COMMERCIAL HOLDINGS LLC**

Pursuant to Federal Rule of Civil Procedure 69, Plaintiff WRI Investments III LLC, (“WRI”), by its undersigned counsel, requests that this Court enter a conditional judgment as provided for by 735 ILCS 5/12-706 against garnishee Midwest Commercial Holdings LLC (“Garnishee”) in the amount of \$602,733.62 for Garnishee’s failure to answer the garnishment interrogatories. In further support of this Motion, WRI states as follows:

1. On December 11, 2008, Garnishee was served with a non-wage garnishment summons, notice, interrogatories and affidavit. Affidavit of service, together with non-wage garnishment, attached as Exhibit A.
2. The summons required Garnishee to file answers to the garnishment interrogatories by December 29, 2008. Garnishee failed to file answers to the interrogatories by the December 29, 2008 deadline, and, as of the date of filing this Motion, Garnishee has still not filed interrogatory answers.

3. Accordingly, pursuant to 735 ILCS 5/12-706, Plaintiff is entitled to a conditional judgment against Garnishee for the amount due upon the judgment against the judgment debtor, \$602,733.62. Final Judgment attached as Exhibit B.

WHEREFORE, Plaintiff moves the Court to enter a conditional judgment against Midwest Commercial Holdings LLC in the amount of \$602,733.62.

Dated: January 28, 2009

WRI INVESTMENTS III LLC

By: /s/ Amanda E. Adrian
One of Its Attorneys

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Amanda E. Adrian, an attorney, certify that I caused to be served a true and correct copy of the attached **NOTICE OF MOTION** and **MOTION FOR CONDITIONAL JUDGMENT AGAINST GARNISHEE MIDWEST COMMERCIAL HOLDINGS LLC** via U.S. regular mail, postage pre-paid, from 131 South Dearborn Street, Suite No. 1700, Chicago, Illinois 60603, on the 28th day of January, 2009, upon the following:

Scott N. Schreiber
Jeffrey J. Stahl
Stahl Cowen
55 West Monroe Street
Suite No. 1200
Chicago, Illinois 60603

Jeffrey Pelock
36W538 Michael Court
St. Charles, Illinois 60175

/s/ Amanda E. Adrian